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AUTHOR Zirkel, Perry A.
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ABSTRACT

Although both desegregation and bilingual education ideally aim at the goal of equal and equitable educational opportunities for minority youngsters, the initial impetus of bilingual education differs distinctly from desegregation in that the bilingual approach requires separate special treatment. The degree of divergence between desegregation and bilingual education must be considered and determined in light of the limited resources and competing priorities of each case. In Hartford, Connecticut, concentrations of Puerto Rican and black students constitute a virtual unanimity in certain schools and a clear majority in the city. Puerto Rican pupils suffer more severe disparities than black students with respect to verbal academic achievement, educational enrollment, and self-concept. Poverty of Puerto Ricans results in overcrowded housing and ill health. In 1970-72, the Hartford School System instituted a pilot bilingual program which has evolved into a complete bilingual elementary school, including bilingual classes from preschool to sixth grade, a bilingual special education resource center, and a staff development program which extends to other schools in the city. The Hartford system begun to develop a policy statement, assess parent involvement, and develop a testing and evaluation design. Because both desegregation and bilingual education are crucial to minority students, when and how to implement each remedy must be carefully considered. (CM)

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Bilingual Education and School Desegregation:

A Case of Uncoordinated Remedies

Perry A. Zirkel

University of Hartford

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It is currently commonplace to criticize the courts, the schools, and the other institutions of our society for their failure to correct the inequities of segregation. And it is somehow fitting for the scholar-humanist to add to this body of criticism by finding yet another hitherto neglected aspect of desegregation which seems to further complicate the matter and to confound the policymaker.

Thus, it is with apologies that I don the hood of the linguist-educator and borrow the robes of the legal-scholar in order to clothe the problem of desegregation with more questions for the policymaker to consider. The focus of my concern is the linguistically different learner and, particularly in this case, the Puerto Rican pupil. My principal points are that:

1) The special needs of Puerto Rican pupils are generally neglected in desegregation suits, which are normally limited to remedying racial inequities.

2) Bilingual education, the predominant remedy for Puerto Rican pupils, is not readily compatible with desegregation, as typically implemented for black pupils.

In the succeeding sections of this paper, I will explicate these two points generally and then explore their applications and implications with respect to the Hartford situation in particular.

I. NEGLECTED NEEDS

Segregation has a long and extensive history among linguistically different learners generally. Chinese students and Mexican students in the Southwest, for example, were each placed in schools separate from their "white" and "black"

counterparts under the guise of linguistic grouping.[1] Such pupils were summarily classified as "non-English-speaking," thereby entitling them to a separate and sustained dosage of English-only mouthwash. When legally challenged in the 1930's, these separate schools were upheld by the courts with negligible scrutiny of the underlying placement procedures.[2]

Desegregation came only belatedly to these pupils and, ironically, with no attention to their separable linguistic-cultural needs. Although Brown was decided in 1954 and was followed by a host of lower court decisions with occasional reinforcement by the Supreme Court in the later 1950's and 1960's,[3] it was not until the early 1970's that Spanish-speaking students were the subjects of successful desegregation suits in the lower federal courts. All of these suits involved Mexican-American students. The first decisions treated these students indistinguishably from black students.[4] In the subsequent decision of Cisneros,[5] the court took half a step forward by providing an integration plan for Corpus Christi, Texas, in which more Mexican-American teachers were to be hired, but there was no provision for bilingual teaching or curriculum. Finally, in a lengthening string of very recent desegregation decisions, the courts have granted Mexican-American pupils special relief in the form of bilingual education programs.[6]

Legal recognition of the comparable need for special linguistic-cultural relief on behalf of Puerto Rican pupils has been even slower in coming. The recent desegregation suit in Boston, for example, reportedly divided Puerto Rican pupils into the categories of "Spanish white" and "Spanish black" until a committee of Puerto Rican parents intervened in the suit.[7] The Supreme Court's 1974 decision in Lau v. Nichols,[8] which enforced the requirements of Title VI that school districts take affirmative steps to remedy the linguistic deficiency of non-English-speaking minority-group children,[9] led to several suits on behalf of Puerto Rican pupils. Interestingly enough, none of these suits sought desegregation; rather, the

litigants asked for special programs and services which might most easily be provided separately. The Aspira suit, for example, ended in a consent decree by which the New York City Board of Education agreed 1) to develop and utilize within one year instruments for classifying all Hispanic-origin students in the system according to their listening, comprehension, speaking, reading, and writing skills in Spanish and English; and 2) to provide bilingual instruction for all such "children whose English language deficiencies prevent them from effectively participating in the learning process and who can more effectively participate in Spanish."[10] Subsequently, similar suits have been filed in other cities in the Northeast, including New Haven, Connecticut.[11]

Thus, while concern for the desegregation of Puerto Rican pupils came late and indirectly, the bilingual movement has rapidly gathered separate legal momentum on their behalf. The intersection of these two trends poses difficult questions. Are the bilingual movement and desegregation readily compatible? If not, which should take priority at this point?

II. CONTRASTING REMEDIES

Although both desegregation and bilingual education ideally aim at the goal of equal and equitable educational opportunities for minority youngsters, they have meant practically very different, if not opposite, things in the short run. Desegregation has typically meant the scattering of black students to provide instruction in "racially balanced" settings. Bilingual education on the other hand, has usually meant the clustering of Spanish-speaking students in order that they receive instruction through their native language.

The differences between bilingual education and desegregation have been masked by school authorities responding to countervailing local and legal pressures. Thus a federal judge in Texas noted that "desegregation has often meant that black students have been mixed with Mexican-American students, leaving the Anglo popula-

tion untouched."[12] Similarly, in response to federal funding guidelines under Title VII that call for the "two way" bilingual programs, (i.e., those which serve students who are native speakers of English as well as those who are native speakers of another language), school authorities have often used black students as the English-speaking participants.[13]

However, despite such cosmetic subversions of such "creative" school authorities, the initial impetus of bilingual education differs distinctly from desegregation. Bilingual education consists of: 1) subject matter instruction through the native language, 2) specialized instruction in English as a second language, and 3) recognition and reinforcement of the children's cultural heritage. These three components correspond to the rationale of "catching up" in the cognitive (i.e., academic achievement), linguistic (i.e, language readiness), and affective (i.e., self-concept) domains, respectively, before entering the mainstream. This approach is a response to the previously prevailing "sink or swim" treatment of English-only instruction in American public schools.[14]

Even in the eyes of the ardent assimilationist, the bilingual approach requires separate special treatment, at least as a transitional stage on the way into the English-speaking mainstream. The moderate cultural pluralist and the militant separationist demand more sustained recognition and reinforcement of the native language and culture, but all agree at least on providing this separate treatment initially. Hence, there has been considerable tension between desegregation and bilingual education. The telling difference is captured in the following comment: "[P]aradoxically, the psychological inferiority problems sought to be deminished by Brown may be intensified if students without full command of the English language are forced to compete with pupils unemcumbered by language barriers."[15] Some writers have denied the conflict between bilingual education and desegregation by citing

the potential for "true integration"[16] of ideal bilingual programs and the possibility of totally individualized programs employing multi-cultural personnel in differentiated staff roles (e.g., Spanish-speaking para-professionals).[17] However, the reality is that ideal bilingual programs are rare,[18] totally individualized program are even more difficult to achieve practically,[19] and using Spanish-speaking "aides" to provide bilingual instruction may serve simply to reinforce the image of inferiority otherwise conveyed by American public schools regarding native language and culture.[20] As one respected researcher concluded after an extensive nationwide review of bilingual programs, "truly comprehensive program models for integrated [bilingual] schools exist neither in theory nor in the real world."[21]

Providing for bilingual education within a comprehensive desegregation plan is difficult but doable, given extra resources.[22] As a matter of fact, the leading bilingual experts who testified in the Denver and Texas desegregation suits emphasized that bilingual education addresses only the linguistic and cultural incompatibilities between Spanish-speaking students and English-only schools, leaving the debilitating disadvantages of poverty, mobility, and discriminatory social stigma to other remedial efforts.[23] Preventing segregation within federally supported bilingual education programs is at least as "troublesome."[24] Typically, "two-way" programs,[25] which were established with the support of Title VII and which serve pupils whose native language is English as well as those whose native language is other than English, provide for instructional groupings based on language dominance for the major part of the school day. Similarly, "one way" programs,[26] which were established in response to Title VI and which serve only students whose native or dominant language is other than English, similarly run the risk of resegregation, and thus of violating the regulation which prohibits segregation for more than 25 percent of the school day, except when it is a result of a "bona fide ability grouping as a standard educational practice."[27]

In sum, even if bilingual education and desegregation are not completely conflicting remedies, they are not completely compatible. The degree of divergence must be considered and determined in light of the limited resources and competing priorities of each case. An example of such a situation calling for a reasoned and determined decision by local policymakers or by a federal judge is the Hartford case, as outlined below.

III. THE HARTFORD SITUATION

In contrast to the overwhelming enormities of the national situation or of a site like New York City, Hartford can serve effectively as a microcosm in which the parameters of the problem are manageable. Adequate data can be gathered and appropriate decisions made.

Hartford is a miniature New York City in several relevant respects. For example, the racial and ethnic proportions and distribution of each city's school population are similar.[28] Similarly, Hartford serves as the principal port of entry in New England for Puerto Rican migrants, just as New York serves as the primary entry point for the southern seaboard sector of the region.[29]

Due to the dramatic disparities, it is not difficult to discern the special needs of Puerto Rican pupils in Hartford. The data already collected by various authorities document the problems facing Puerto Ricans in cities like New York and those facing Spanish-speaking students generally.[30] The prescription of effective remedies in the form of bilingual education, desegregation, and effective inner-city education is, however, problematic and awaits the enlightened action of local, state and federal policymakers.

A. Puerto Rican Pupils

The number and distribution of Puerto Rican and black students in Hartford's

public schools is summarized in Appendix I. The concentrations of these two minority groups constitute a virtual unanimity in certain schools and a clear majority in the city. The growth patterns graphically illustrated in Appendix II reveal that the Puerto Rican school population has increased geometrically[31] during the period 1967-73, while the black student population rose minimally and the white student population dipped dramatically.

Reflective of the situation revealed on the national level by the Coleman Report,[32] Hartford-based data indicate that Puerto Rican pupils suffer even more severe disparities than black students with respect to the important educational criteria of verbal academic achievement,[33] educational enrollment,[34] and self-concept.[35] Puerto Rican students also evidence pronounced poverty and mobility, although these data are not complete enough to indicate the precise position of Puerto Rican students relative to black students.[36] At least some of the differences that do emerge are undoubtedly attributable to the linguistic and cultural barriers faced by Puerto Rican pupils.

B. Puerto Rican Parents

As in New York City,[37] the exact extent of the total Puerto Rican population in Hartford is the subject of considerable controversy.[38] The predominance of their origin--rural v. urban--is not totally clear in spite of the common conception that most of the city's Puerto Rican population has "settled out" of the tobacco migrant stream.[39] The pronounced poverty of the parents[40] and the attendant problems of overcrowded housing and ill health[41] are undisputed. The bilingual/bicultural characteristics of the parents, including their perceived preference for bilingual/bicultural education programs have been documented in some detail.[42]

C. Bilingual Programs

The number of bilingual teachers in Hartford was relatively negligible prior to 1970. For example, the school system reported having 4.2 Spanish-speaking instructional personnel in 1968.[43] Moreover, there was no official recognition of the bilingual approach--that is, using Spanish as an alternative to English as a medium of instruction.

In 1970-72, the Hartford school system with the support and encouragement of the State Education Department instituted a pilot bilingual program in three elementary school classrooms. The results of the experiment were moderately positive.[44] In the Spring of 1972, Hartford received a Title VII grant to establish a bilingual program in the Ann Street Annex to the Barnard Brown School. The program was initiated the following Fall after considerable controversy, particularly between the representatives of the teachers' union and the organizations of the Spanish-speaking community.[45]

The school system has expanded its efforts significantly with respect to bilingual personnel and programs since the initial efforts in 1970. The Title VII program at Ann Street has become a complete bilingual elementary school, including bilingual classes from preschool to grade 6, a bilingual special education resource center, and a staff development program which extends to other schools in the city.[46] As of October 1975, the school system reported having 85 bilingual teachers serving 2,191 students. Of these 85 bilingual teachers, 3 are Portuguese and the rest are Spanish speaking. The 82 teachers are currently assigned as follows: 58 at the elementary level, 13 at the middle school level, and 11 at the high school level. There are also reportedly three bilingual special education classes and two bilingual pre-school classes.[47] These classroom teachers are augmented by an increasing number of bilingual professionals in the areas of special and supportive services and administration.[48]

However, more needs to be done by the Hartford system in the area of bilingual education. For example, in response to a Title VI compliance review recently

initiated by the U.S. Office of Civil Rights, the school system has begun to take steps to strengthen several important areas of its program, including the development of a policy statement, an assessment of parental involvement, and the development of a testing and evaluation design.[49]

IV. THE HARTFORD SUIT

The plaintiffs identified themselves in Hartford's desegregation suit as "members of the black race, the Spanish-American and Puerto Rican ethnic group, or both."[50] Over defendant's motion to the contrary, the court approved plaintiff's contention that they properly constituted a single group.[51] Subsequent motions speak consistently in terms of "nonwhite"[52] and "minority"[53] schools and staff, without distinguishing between black and Puerto Rican pupils with respect to needs or remedies.

CONCLUSION

Whether the response to the problems faced by these pupils is regional or local in scope, and whether it is decided in the courts or in another forum, it would seem--if I may borrow momentarily from Spanish--"imprescindible" [essential] to consider the matter not only in terms of pressing needs that black and Puerto Rican pupils have in common, but also in terms of the definable differences between,[54] within,[55] and beyond[56] these two disadvantaged classes. The difficult decisions with regard to desegregation are matched by crucial considerations with respect to bilingual education. The questions of when and how to implement each remedy must be considered concomitantly if they are to be answered effectively. The need for achieving further specificity with regard to the formulation of questions, the collection of data, and the establishment of priorities is urgent. The time for responding to these needs in a comprehensive and concrete fashion is now.

APPENDIX I[57]

ETHNIC DISTRIBUTION OF HARTFORD PUBLIC SCHOOL PUPILS, OCTOBER 1, 1974

Schools	American Indian (1)		Black (2)		Asian American (3)		Spanish Surnamed American (4)		All Pupils Not Included In Cols. 1-4 (5)		School Totals (6)
	No.	%	No.	%	No.	%	No.	%	No.	%	
Arsenal	-	-	457	60.1	-	-	294	38.7	9	1.2	760
Barbour	-	-	252	83.4	-	-	49	16.2	1	0.3	302
Bernard-Brown	-	-	82	14.2	-	-	492	85.0	5	0.9	579
Batchelder*	-	-	87	12.8	3	0.4	91	13.4	497	73.3	678
Burns	-	-	9	0.9	3	0.3	537	54.7	433	44.1	982
Burr*	-	-	48	8.0	2	0.3	198	33.0	352	58.7	600
Clark	-	-	675	83.2	-	-	131	16.2	5	0.6	811
Dwight*	-	-	67	18.8	-	-	48	13.4	242	67.8	357
Escuelita Bilingue	-	-	4	1.4	-	-	279	98.6	-	-	283
Fisher	-	-	718	87.3	5	0.6	56	6.8	43	5.2	822
Fox Elementary	1	0.1	55	5.9	4	0.4	418	44.6	459	49.0	937
Hooker	2	0.2	283	34.6	-	-	484	59.2	48	5.9	817
Jones	-	-	1065	87.3	1	0.1	149	12.2	5	0.4	1220
Kennelly*	-	-	60	8.5	5	0.7	45	6.4	597	84.4	707
Kinsella	-	-	237	24.5	-	-	658	67.9	74	7.6	969
McDonough	2	0.3	224	33.4	1	0.1	165	24.6	278	41.5	670
Naylor*	-	-	40	6.5	3	0.5	8	1.3	569	91.8	620
New Park Avenue	2	0.4	8	1.5	-	-	137	26.0	379	72.1	526
Rawson	-	-	458	85.9	1	0.2	31	5.8	43	8.1	533
Simpson-Waverly	-	-	827	96.8	-	-	23	2.7	4	0.5	854
Twain	-	-	541	90.8	2	0.3	32	5.4	21	3.5	596
Vine	-	-	448	77.0	1	0.2	130	22.3	3	0.5	582
Webster*	5	1.0	103	20.7	8	1.6	62	12.4	320	64.3	498
West Middle	1	0.2	337	66.1	7	1.4	126	24.7	39	7.6	510
Wish	1	0.1	414	61.3	-	-	257	38.1	3	0.4	675
Pre-School**	1	0.1	593	63.5	2	0.2	274	29.3	64	6.9	934
TOTAL ELEMENTARY	15	0.1	8092	45.4	48	0.3	5174	29.0	4493	25.2	17822
Fox Middle	-	-	1472	88.6	-	-	155	9.3	35	2.1	1662
Quirk Middle	3	0.2	442	29.2	4	0.3	728	48.1	336	22.2	1513
TOTAL MIDDLE	3	0.1	1914	60.3	4	0.1	883	27.8	371	11.7	3175
Bulkeley	-	-	268	14.0	1	0.1	440	22.9	1209	63.0	1918
HPHS	1	0.0	1069	43.3	3	0.1	725	29.3	673	27.2	2471
Weaver	-	-	1881	92.9	1	0.1	113	5.6	29	1.4	2024
TOTAL SENIOR HIGH	1	0.0	3218	50.2	5	0.1	1278	19.9	1911	29.8	6413
Spec. Educ. Programs#	1	0.2	268	59.0	-	-	90	19.8	95	20.9	454
GRAND TOTAL IN CITY	20	0.1	13492	48.4	57	0.2	7435	26.6	6870	24.7	27864
Project Concern	2	0.2	1009	93.7	2	0.2	56	5.2	8	0.7	1077
GRAND TOTAL	22	0.1	14501	50.1	59	0.2	7481	25.8	6878	23.8	28941

*Internal Project Concern students are included in school count.

**Consists of Child Development, Model Cities, and School Readiness Programs.

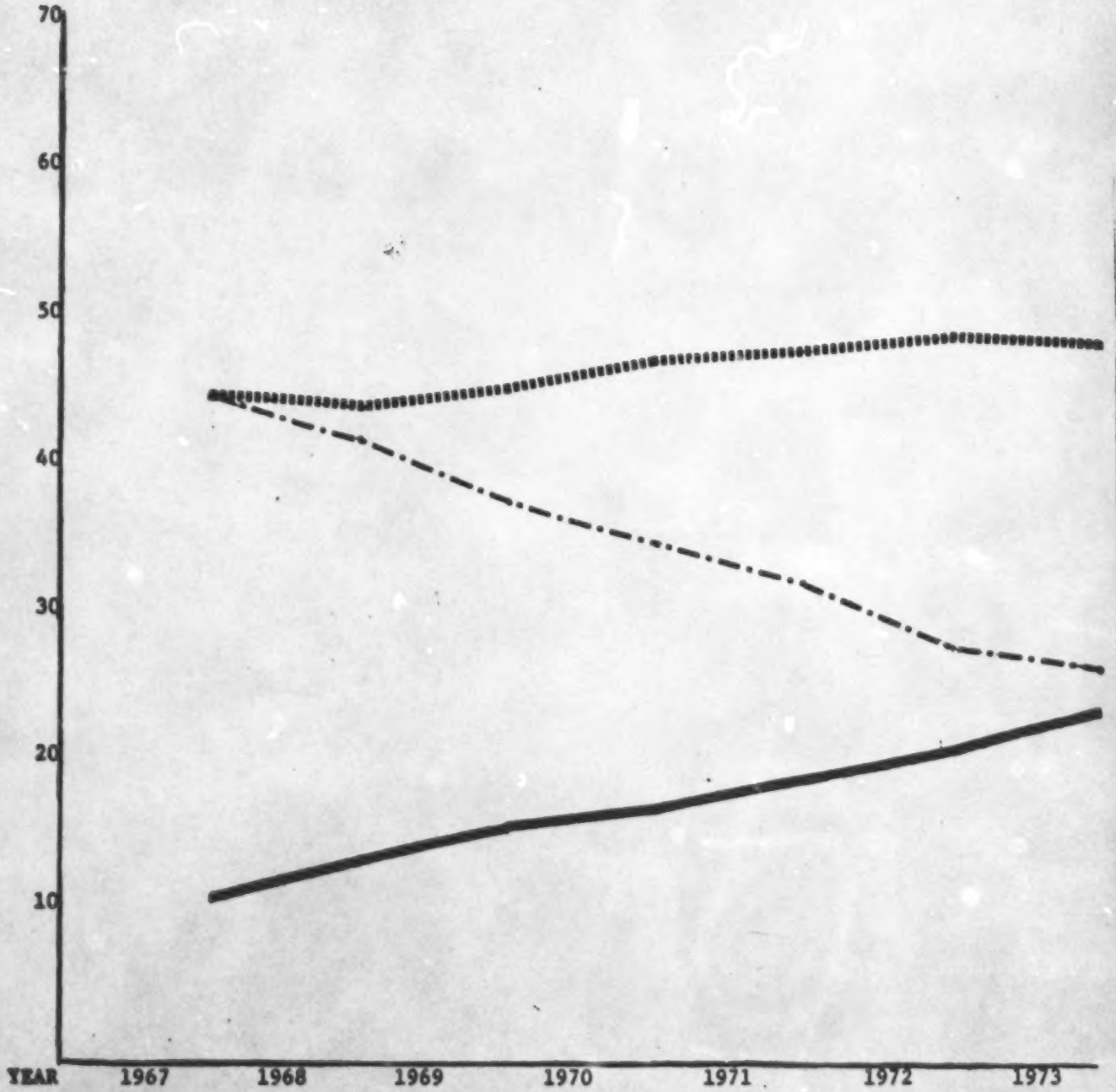
#Consists of Children's Services, Mountain Laurel, Home Instruction, Alternate Secondary Centers, Institute of Living, Teenage Parents, and Work Readiness.

Black
Spanish Surnamed

APPENDIX II[58]

GRAND TOTAL PUBLIC SCHOOL ENROLLMENT IN CITY

Ethnic Distribution of Students - 1967-73



Source: Hartford Board of Education, Research Office, November 14, 1973

FOOTNOTES*

[1]See, e.g., Leibowitz, English Literacy: Legal Sanction for Discrimination, 45 NOTRE DAME LAWYER 7 (1969).

[2]See, e.g., Independent School Dist. v. Salvatierra, 33 S.W.2d 790 (Tex. Civ. App. 1930). A Note on the Cisneros case (note 5 infra) refers to the historical practice of classifying Mexican-American pupils purportedly on the basis of language abilities as "merely a euphemism for the segregation of Mexican-Americans," 49 TEX. L. REV, 337, 344 (1971).

[3]See the preceding paper in this series by Professor Soifer, The Supreme Court's Desegregation Decisions: Unresolved Questions for the Hartford Desegregation Suit. The present paper obviously was influenced by the inspirational impetus and legal impact provided by Professor Soifer's presentation.

[4]See, e.g., Oxnard v. El Paso Ind. School Dist., 445 F.2d 1011 (5th Cir. 1971); Soria v. Oxnard School Dist., 328 F. Supp. 155 (C.D. Cal. 1971)

[5]Cisneros v. Corpus Christi Ind. School Dist., 330 F. Supp. 1377 (S.D. Tex. 1972), aff'd, 467 F.2d 142 (5th Cir. 1972), cert.denied, 414 U.S. 881 (1973).

[6]Keyes v. School Dist. No. 1, Denver, Colo., 413 U.S. 189 (1973), remanded, 313 F. Supp. 90 (1974); Serna v. Portales Municipal Schools, 351 F. Supp. 1279 (D.N.M. 1972), aff'd, 499 F.2d 1147 (10th Cir. 1974); United States v. Texas, 342 F. Supp. 24 (E.D. Tex. 1971), aff'd, 466 F.2d 518 (5th Cir. 1972); Arvizu v. Waco Ind. School Dist., 373 F. Supp. 1264 (W.D. Tex. 1973).

[7]Brisk, Bilingual Education and School Desegregation: The Case of Boston, May 24, 1975 (paper presented at the annual International Bilingual Bicultural Education Conference, Chicago). This source was in many respects the direct forerunner of the present paper.

*Legal style has been adopted in these footnotes due to the preponderance of court cases and legal periodical articles cited. The principal difference is in the citation of legal periodical articles: the volume number preceeds the name of the periodical, and the page number follows the name of the periodical. In note 1, for example, the article is in volume 45 of the NOTRE DAME LAWYER, starting on page 7.

[8]414 U.S. 563 (1974).

[9]Memorandum sent to all school districts with more than five per cent national origin-minority group students from the director of the U.S. Office for Civil Rights on May 26, 1970.

[10]Aspira Inc. v. Board of Education of the City of New York, Civ. No. 4002 (S.D.N.Y., August 29, 1974, consent decree), motion to dismiss denied,58 F.R.D. 62 (S.D.N.Y. 1973). Despite its momentous practical effect in New York City, this decree has little precedental value elsewhere since it is only an agreement between the parties.

[11]E.g., Arroyo v. Barbarito, No. 75191 (D.Conn., filed Aug. 6, 1974); Lopez v. Thomas, No. 75-14 (E.D. Pa., filed Jan. 6, 1975).

[12]Arvizu v. Waco Ind. School Dist., 373 F. Supp. 1264, 1270 (W.D. Tex. 1973).

[13]Black students in such programs are often referred to as "Anglos." One cannot help wonder aloud how far we've come when this term which historically served as the abbreviation for the stinging redundancy, "WASP" (what else could an Anglo-Saxon Protestant" be than "white"?) is used respectfully for black students.

"Title VII" refers to the 1967 amendment to the Elementary and Secondary Education Act which provided Federal fiscal support for bilingual education programs at the local level. Also known as the Bilingual Education Act, Title VII is permissive legislation; it does not mandate the development of bilingual programs. In contrast, five states, including Massachusetts, have enacted mandatory legislation.

[14]Actually, bilingual education is not new to the United States nor to the rest of the world. The bilingual approach has been used in several countries--e.g., the Philippines, Finland, the U.S.S.R., the Republic of South Africa, and France. See, e.g., T. ANDERSSON & M. BOYER, I BILINGUAL SCHOOLING IN THE UNITED STATES 20 (1970). Moreover, it is estimated that more than a million pupils were instructed in bilingual public schools in the U.S.--especially German pupils in the Midwest--until the isolationist fever overcame the country along with

World War I. See, e.g. Gonzalez, Coming of Age in Bilingual/Bicultural Education: A Historical Perspective, 19 INEQUALITY IN ED. 5 (1971).

The bilingual approach did not re-emerge in the American public schools until well after World War II. The Coral Way School was established in 1963 in Dade County, Florida. The program was originally organized as a 50-50 two-way program--that is, half of the school day was devoted to subject matter instruction through each language, and the school population consisted of half native Spanish-speaking students and half native English-speaking students. See Gaarder, Operation of the Bilingual School, 23 JOURNAL OF SOCIAL ISSUES 110 (1967). These features correspond to what Andersson describes in What Is An Ideal Bilingual Program?, 7 FOREIGN LANGUAGE REP. 40 (1969). Such a program is however, the exception, not the rule. The precious balance between Cuban and Anglo middle-class students in the Coral Way School has since been lost as a result of what may be classified as the bilingual analog to "white flight."

The English as a second language (ESL) approach emerged in the 1950's as a means of facilitating the assimilation of non-English speaking students. Although persisting as an alternative to the bilingual approach in areas serving small numbers of non-English-speaking students from various cultural backgrounds, the ESL approach has largely become an element of bilingual education, since it neither provided for cultural reinforcement nor prevented subject-matter retardation.

[15] 49 TEX. L. REV. 337, 344 (1971). Another commentator similarly concluded that "[d]e facto segregation in bilingual schools until fluency is acquired is the only method that will permit an equal education." Comment, The Right of Linguistic Minorities to an Effective Education, 3 CAL. WESTERN INT'L. L. REV. 112, 121 (1972).

[16] Note, Bilingual Bicultural Education in Texas, 7 URBAN L. ANN. 400, 405 (1971); cf. Comment, The Constitutional Rights of Bilingual Children, 47 SO. CAL. L. REV. 943, 990; Rangel & Alcala, Project Report: DeJure Segregation of Chicanos in Texas Schools, 7 HARV. CIV. RIGHTS-CIV. LIB. L. REV. 307, 332 (1972).

[17]Cardenas, Bilingual Education, Segregation, and a Third Alternative, 19 INEQUALITY IN ED. 19 (1975).

[18]See note 14 supra.

[19]See, e.g., McClung, School Classification: Some Legal Approaches to Labels, 14 INEQUALITY IN ED. 17, 21, 28 (1973).

[20]See, e.g., Zirkel, Bilingual Education Programs at the Elementary School Level: Their Identification and Evaluation, 2 BILINGUAL REV. 13 (1975).

[21]Bernal, Models of Bilingual Education, Grades K-3, for a Planned Variability Study, April 1974 (paper presented at the annual meeting of the American Educational Research Ass'n, Chicago).

[22]See note 6 supra. However, Judge Wisdom stated in United States v. Texas Education Agency, 467 F.2d 848, 873 (5th Cir. 1973), that techniques like bilingual education "may not be used as an adequate substitute for desegregation."

[23]Cardenas & Cardenas, The Theory of Incompatibilities: A Conceptual Framework to Responding to the Needs of Mexican American Children. Working paper for the Intercultural Development Research Center, San Antontio , Texas, (n.d.).

[24]Memorandum from Paulina M. Jacobo, Assignment Regional Attorney, Region VI, Dep't of HEW, to Lau Task Force Members, April 3, 1975. Attorney Jacobo concluded that "bilingual education and integration are not mutually exclusive." However, she did not state that they are completely compatible.

[25]The Coral Way School (note 14 supra) is an example of a "two way" program; it provided for subject-matter instruction initially in Spanish and English as a Second Language (ESL) for Cuban students while providing for subject-matter instruction initially in English and Spanish as a Second Language (SSL) for "Anglo" students.

Administrative gamesmanship sometimes stretches the rules so as to service almost exclusively one ethnic group by relying on language dominance subgroups. Thus, for example, "Spanish-dominant" Puerto Rican pupils and "English-dominant" Puerto Rican

pupils are given the corresponding instructional treatments outlined above in some "two way" programs. See, e.g., the ethnic distribution of the Ann Street Bilingual School in Appendix II.

[26]"One way" programs typically prevail in the absence of the extra funding and accompanying guidelines of Title VII (note 13 supra).

[27]Jacobo, supra note 24, at 3; Roos & Roos, The Massachusetts Transitional Education Act: Problems in the Classroom and Possible Legislative Responses, 19 INEQUALITY IN ED. 38, 42 n.4 (1975).

The report of the Task Force set up by the Office of Civil Rights to implement the Lau decision (notes 8-9 supra and accompanying text) straddled the fence by prohibiting both premature mainstreaming of linguistically/culturally different students and racially/ethnically identifiable schools or classes.

[28]The school enrollment in both cities is approximately one quarter Puerto Rican and one half black. Each city contains overlapping ghettos of black and Puerto Rican residents and corresponding concentrations of these minority pupils in identifiable minority schools. Also, the leadership of the school and police departments was recently "imported" from New York City.

[29]Catholic Aid to Emigrants, Statistics of Personal Interviews at Airport, San Juan, Puerto Rico, January-December 1970 (mimeographed report compiled in 1971). The "settling out" process from the points of entry (Hartford, New York) is reflected in the following figures from the Connecticut State Education Dept. (growth in the percentage of Spanish-surnamed students in school districts with more than 5% enrollment):

	1968	1974
Bridgeport	16.4%	25.6%
Meriden	6.0	10.2
New Britain	6.1	12.3
New Haven	6.1	11.2
New London	4.8%	8.1%
Norwalk	3.0	5.1
Stamford	3.6	5.7
Waterbury	5.9	9.8
Windham	6.1	9.1

See, e.g., U.S. DEP'T OF LABOR, MANPOWER REPORT OF THE PRESIDENT 87-112 (1973) (section entitled "A Manpower Profile of the Spanish-speaking").

Such generalities, however, are not intended to deny differences within as well as between Spanish-speaking national groups.

[31]The percentage of "Spanish-surnamed" students has approximately doubled while their number has approximately tripled. The enrollment of Spanish-surnamed students in Hartford increased from 1,848 (9.3%) in 1965 to 7,416 (26.6%) in 1974. In contrast, the enrollment of Spanish-surnamed students in the other 28 school districts of the Capitol Region was 883 (0.7%) in 1974. CONNECTICUT STATE DEPT. OF EDUCATION, THE DISTRIBUTION OF MINORITY GROUP PUPILS AND STAFF IN THE PUBLIC SCHOOLS OF CONNECTICUT. (1975).

[32]J. COLEMAN et al., EQUALITY OF EDUCATIONAL OPPORTUNITY 221-89 (1966).

[33]Zirkel & Greene, The Academic Achievement of Spanish-Speaking First Graders in Connecticut, ERIC ED 054 275 (1971). The disparities in nonverbal areas of achievement were notably less pronounced. Further support of a bilingual approach is evidenced by significantly higher verbal achievement scores in Spanish than English.

[34]A. FALCON, A STUDY OF EDUCATIONAL OPPORTUNITIES FOR THE SPANISH SPEAKING IN HARTFORD 16-17 (1974) (report published by La Casa de Puerto Rico). The estimates of the "drop out" rate vary according to sources, but all point to a significantly higher rate for Puerto Rican pupils than for their black and white classmates.

[35]Zirkel, Self-Concept and Ethnic Group Membership, 8 AM. ED. RESEARCH J. 253 (1971).

[36]FALCON, supra note 34, at 10-13.

[37]Kihss, Census Disputed on Puerto Ricans, N. Y. Times, April 20, 1972, at 36, col. 1.

[38]B. ESPOSITO, L. SEPULVEDA, & A. ESPOSITO, THE PUERTO RICAN WORKER: HARTFORD'S PRIORITY MANPOWER TARGET 1971 (study published by the Connecticut Re-

search Commission); CONNECTICUT DEP'T OF COMMUNITY AFFAIRS, THE REPORT OF THE GOVERNOR'S COUNCIL ON SPANISH-SPEAKING OPPORTUNITIES 16 (1973).

[39]Camacho, former director of the Hartford Office of the Migration Division of the Dep't of Labor Commonwealth of Puerto Rico, contributed to the common conception in The Puerto Rican in Hartford, in PROJECT ON EDUCATION IN THE CHANGING URBAN COMMUNITY 28 (1963). However, ESPOSITO et al, supra note 38, at 6, 30, reported inconclusive evidence that only a minority of the Puerto Rican population derives directly from the migrant agricultural stream, which has as one terminus the tobacco fields in neighboring Hartford. Whatever the immediate primary source, Esposito's identification of the extended family intelligence network as the primary communication channel for the migration is likely accurate. Moreover, there is evidence that the original source of the incoming population is the rural agricultural area of the island. ZIRKEL, PUERTO RICAN PUPILS AND MAINLAND SCHOOLS 13 (1972) (report published by Hartford Model Cities Demonstration Agency) (also available in ERIC ED 062 473).

[40]ZIRKEL, supra note 39, at 11-12

[41]ESPOSITO et al., supra note 38, at 11-14, 21.

[42]ZIRKEL, supra note 39, at 12-19. Strikingly similar results were revealed in a companion study of Puerto Rican parents conducted in Bridgeport. GREENE & ZIRKEL, THE FAMILY BACKGROUND OF PUERTO RICAN STUDENTS (1972) (report published by Bridgeport Model Cities Demonstration Agency) (also available in ERIC ED 073 189).

[43]Hartford Board of Education, School System Report to the Office of Civil Rights, U.S. Dep't of HEW, Fall 1968.

[44]See ZIRKEL, AN EVALUATION OF THE EFFECTIVENESS OF SELECTED EXPERIMENTAL BILINGUAL EDUCATION PROGRAMS IN CONNECTICUT 58 et seq. (1972) (doctoral dissertation published by the Connecticut Migratory Children's Program).

The state law requiring English as the medium of instruction was not amended until 1971 to permit bilingual education programs. CONN. GEN. STAT. REV. Sec. 10 - 17 to 10 - 17d (1975). The result is a permissive, not mandatory, statute with regard to bilingual education. See note 13 supra.

[45]The story is outlined in the following three articles which appeared in the Hartford Courant:

Teachers Union Calls Bilingual Program Harmful - June 8, 1972

Bilingual Education Opposition Cited as Proof of Racism - June 9, 1972

Critical Teachers Give Language Plan a Chance - August 22, 1972

[46]See, e.g., Zirkel & Castejón, "La Escuelita"--Bilingual School, 18 SCHOOL MANAGEMENT 16 (1974).

[47]The source of these data is Mr. Angel Nieves, Supervisor of the Bilingual Department of the Hartford Public Schools.

A soon-to-be-released report from the Connecticut State Department reveals the corresponding growth of bilingual programs on the state level. The total number of pupils enrolled in bilingual programs in the 11 school districts with such programs has increased as follows:

1972-73	-	2,186 pupils
1973-74	-	3,791 pupils
1974-75	-	5,606 pupils

The author of the report is Dr. Kenneth Lester, Consultant on Bilingual Education and Foreign Languages, Connecticut State Department of Education.

[48]Mr. Nieves reported that as of October 1975, the school system employed the following professional personnel in addition to classroom teachers:

Physical Education	6
Health Services	6
Home Economics	2
Reading	1

Special Education	12
Music	2
Art	2
Testers	3
Curriculum Developers	5
Guidance Counselors	6
Social Workers	7
School Psychologists	2
School Administrators	8
Central Office Administrators	2

It should be noted that the degree of bilinguality and extent of biculturality are masked by these data.

[49]This information was supplied by Dr. John Alschuler, Special Assistant to the Hartford Board of Education. It should also be noted that bilingual education was identified along with special education as being of primary priority to the Hartford Board in their recent budget hearings as well as in the recent election campaigns of Board candidates.

[50]Plaintiff's Second Amended Complaint, Lumpkin v. Meskill, Civ. No. 13,716 (D. Conn., Nov. 16, 1972). The complaint similarly refers to "black-Puerto Rican schools."

[51]Ruling on Motion to Determine Propriety of Class Action, Lumpkin v. Meskill, Civ. No. 13,716, (D. Conn., May 13, 1971.)

[52]See, e.g., Amended Plaintiff's Request for Admission, Lumpkin v. Meskill, Civ. No. 13,716 (D. Conn., filed Oct. 11, 1974).

[53]See, e.g., Memorandum Outline on the Proof Plaintiffs Will Establish, Lumpkin v. Meskill, Civ. No. 13,716 (D. Conn., filed Nov. 9, 1972).

[54]The principal areas of difference are in the areas of language and culture. The differences are a matter of degree beyond some key underlying commonalities. See, e.g., preceding paper in this series by Thomas Champ, Compromised Efforts at Desegregation: Some Observations on the History and Cultural Experience of the Afro-American and Spanish-Speaking Populations of Hartford. Moreover, the interaction of black and Puerto Rican pupils in segregated schools and neighborhoods has tended to increase the areas of overlap. For example, a recent study conducted in Hartford found that the influence of black dialect on the oral English ability of Puerto Rican pupils was more significantly pronounced than that of their native language background (Axelson, Campbell, Lugo & Zirkel, Native Language and Black Dialect Interference in the Oral Reproduction of Standard English by Puerto Rican Pupils, January 1976 (paper to be presented at the annual conference of Teachers to Speakers of Other Languages, New York City).

[55]Effective diagnosis and remediation of educational problems is ultimately a matter of individual differences.

[56]See, e.g., Abramson, Ethnic Diversity in the Three Connecticut Cities: Preliminary Findings, 1975 (report mimeographed by the University of Connecticut's Ethnic Heritage Project). Puerto Ricans differ from other linguistic minorities in at least one important aspect: they are citizens of the U.S. before setting foot on the"mainland." This difference tends to lead to distinctions with regard to economic status and cultural orientation. Moreover the times differ significantly between the Puerto Rican migration and previous immigrations. For example, travel is now easy,but unskilled jobs are relatively rare.

[57]Hartford Board of Education, Research Office, Nov. 1974

[58]FALCON, supra note 34, at 6.